

REMARKS

In the Official Action of March 10, 2005, claim 1 was rejected under 35 U.S.C. 102 as being anticipated by the Chamberland, *et al.* patent ("Chamberland"). Claims 2, 3, and 5 were rejected under 35 U.S.C. 103 over the Chamberland patent in view of Gribble, *et al.* ("Gribble"). Claim 4 was objected to and indicated as being allowable if rewritten in independent form to include all the limitations of the base and any intervening claims. Although claim 7 is indicated as being rejected on the Form PTOL-326, no references were cited against that claim in the portion of the Action beginning on page 2 such that it would appear that the indication on the Form PTOL-326 that claim 7 was rejected was an error. If claim 7 **was** rejected, that rejection is unsupported, and Applicant respectfully requests the withdrawal of that unsupported rejection. If claim 7 was intended to be rejected and the rejection is not withdrawn after consideration of this Response, it is respectfully requested that the basis for the rejection be set out in detail in the next office action. Further, it is submitted that if another office action is deemed necessary after consideration of this Response, it would be inappropriate to make any such action final since Applicant would be seeing the basis for the rejection of claim 7 for the first time and it would not be fair to Applicant to make an action including a new rejection final. There is also some ambiguity in the handling of claim 6 as follows. Page 2 of the Action (7th line) indicates that claim 1 was rejected over Chamberland and no mention is made of claim 6 at that point in the Action. However, without giving any indication that it was also rejected as being anticipated by Chamberland, the last five lines of page 2 of the Action suddenly start into a discussion of claim 6 as if that claim has also been rejected under §102. Because of the organization of the page and the adjacent text, it appears that claim 6 was rejected as being anticipated by Chamberland, and so Applicant will treat claim 6 as if it was rejected under §102. If in doing so, Applicant is answering the wrong rejection, it is requested that this matter be clarified in the next action, and again, it is submitted that the next action should not be made final.

Although Applicant appreciates the indication of allowable subject matter, the §102 rejection of claims 1 and 6 is respectfully traversed because Chamberland does not disclose all the claimed elements. Applicant also respectfully traverses the §103 rejection of claims 2, 3, and 5 because the Action fails to make out a proper *prima facie* showing of the obviousness of the differences between the claims and the combination of Chamberland and Gribble. Applicant therefore requests reconsideration of both rejections. In accordance with the requirements of 37 C.F.R. 1.111(b), the basis for traversing these rejections is set out below.

With regard to the §102 rejection of claims 1 and 6, Chamberland does not disclose the wire clamps called out in the second and last elements of claim 1. Although it is alleged in the

Action that the metal sleeve 34 and insulator 36 of Chamberland constitute clamping means, a review of the disclosure of Chamberland gives no indication that either of the structure shown at reference numerals 34 or 36 “clamps.” To the contrary, it appears that sleeve 34 and insulator 36 “surround” a center conductor 18. “Surrounding” is not clamping; for that matter, a center conductor is not a lead or sensor wire as recited in claim 1. Nor is Chamberland likely to disclose means for clamping a lead wire since, as set out at col. 1, lines 38-44 of that patent, the invention described in that patent is intended to connect two coaxial cables. Note also that because Chamberland does not disclose a clamp for a lead wire, it cannot disclose male or female conductive pins that extend through the claimed ceramic disk to a wire clamp. It is also inappropriate to analogize the claimed sleeve to the “forward portion of 26 with holes 26a” of Chamberland since the “first body 26” of Chamberland is part of the male connector (“plug”) 12 disclosed in that device. The claimed sleeve, as set out in the penultimate paragraph of claim 1, is “engaged to” the male part (the claimed shell) of the connector of the present invention. In other words, the claimed sleeve is part of the female portion of the connector of the present invention (which is why the claim recites that the ceramic disk is interposed between the sleeve and sensor wire clamp). Because of these several differences between the structure of Chamberland and the structure set out in claim 1, it is submitted that the §102 rejection of claim 1 is improper and that claim 1 should be allowed. Indeed, Applicant has actually amended claim 1 (and many of the other claims in the application) as set out above to broaden that claim since it is allowable over Chamberland in even broader form than originally presented. Claim 6, being dependent upon an allowable independent claim, is likewise allowable.

The §103 rejection of claim 2 is traversed because the Official Action of March 10, 2005 fails to make out a proper *prima facie* showing of the obviousness of the differences between Applicant’s invention and the cited references. As stated in the second paragraph of MPEP §706.02(j), “[t]o establish a *prima facie* case of obviousness, three criteria must be met.” First, the rejection must indicate some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be some expectation of success. Finally, the prior art references must teach or suggest all the claim limitations. MPEP §706.02(j). A review of the March 10, 2005 Action indicates that it fails to establish a proper *prima facie* showing of the obviousness of the differences between the invention claimed in claims 2, 3, and 5 and the cited prior art references, alone or in the combination asserted in the Action.

The lack of a *prima facie* showing of the obviousness of the differences between that claim and the cited prior art references is apparent from the lack of any disclosure in either of

Chamberland or Gribble of a connector that combines a clamp for a lead wire, a conductive pin in electrical contact with the clamp for a lead wire, and a ceramic disk that is interposed between the claimed sleeve and wire clamp, all as recited in claim 1. Because this claimed structure is not disclosed in either of the cited references, it is respectfully submitted that the March 10, 2005 Action fails to establish that the cited references, alone or in combination, teach the claimed structure as required by MPEP §706.02(j).

Having established that the cited art does not teach all the elements of the claimed invention in accordance with MPEP §706.02(j), the next inquiry is whether either reference provides a suggestion or motivation to modify the combined references in the manner claimed. After reviewing the Action carefully, Applicant cannot see that any attempt was even made in the Action to identify such a suggestion or motivation. The closest the Action seems to come to identifying a suggestion or motivation to modify the references in the manner asserted in the Action. It is not sufficient to allege, as set out in the Action, that “it would have been obvious . . . to provide the Chamberland device with the structure, as taught by Gribble, to to [sic] replace the non-separable (soldering) connection of the wire with with [sic] the dependable easily removable connection.” No indication is given in the Action as to **what** specific teachings of the cited references constitute the basis for this allegation or **why** these unidentified teachings would motivate one of ordinary skill in the art to make the claimed modification. For all the guidance provided by this unsupported allegation, the Action might as well have asserted that the modification was within the skill of one of ordinary skill in the art, and as stated at MPEP §2143.01,

“[a] statement that modifications of the prior to meet the claimed invention would have been ‘well within the ordinary skill of the art’ . . . because the references . . . teach that all aspects of the claimed invention were individually known in the art is **not sufficient** to establish a *prima facie* case of obviousness without some objective reason to combine the teachings of the references [citation omitted, underlining in original, bold emphasis added].”

In the absence of a suggestion to modify the cited references that is specifically identified in the cited references, Applicant calls upon the Examiner to make evidence of record (in the form of an affidavit as required by MPEP §2144.03) that such a modification and/or motivation is within the Examiner’s personal experience. In the absence of any such affidavit, it is clear that the Action fails to establish the second required element of a proper *prima facie* obviousness rejection.

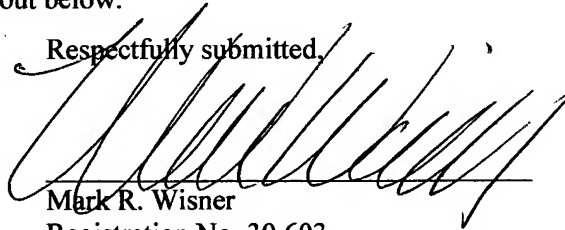
Of course when there is no suggestion in the art to modify the references in the manner asserted, there can be no showing of the third element of a *prima facie* obviousness rejection, namely, an expectation of success. In the absence of a showing of (1) all the claimed elements in the cited art, (2) a suggestion in the art to modify the combined references in the manner claimed,

and (3) some expectation that such a modification can be made successfully, the §103 rejection of claim 4 is improper and should be withdrawn.

Claims 3 and 5 are also nonobvious and therefore allowable. In addition, claims 3 and 5 recite additional structure that is not disclosed in either of the references, or the combination of the cited references, and it is therefore clear that this §103 rejection of claims 3 and 5 is improper. Nor was any attempt made in the Action to identify the required suggestion in these references that they should be modified in the manner recited in claims 3 and 5. Similarly, the Action makes no mention of why one skilled in the art would expect to be successful in making a combination such as claimed in claims 3 and 5. It is therefore apparent that a proper *prima facie* showing of the obviousness of claims 2, 3, and 5 has not been established in the Official Action of March 10, 2005, that the §103 rejection is improper, and that this rejection should be withdrawn.

Reconsideration and withdrawal of the §102 rejection of claims 1 and 6 as well as the §103 rejection of claims 2, 3, and 5, entry of the above amendments to the claims, consideration of the remarks set out herein, allowance of the claims, and passage of the application to issuance are all respectfully requested. In the unforeseen event that there are questions and/or issues yet to be answered in this application, it is respectfully requested that Applicant's Attorney be contacted at the address and phone number set out below.

Respectfully submitted,



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